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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,176

02/20/2004

Ronald Alexander Young

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EXAMINER

BLOUNT, ERIC

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,176

Applicant(s)

YOUNG, RONALD ALEXANDER

Examiner

Eric M. Blount

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-28 is/are rejected.
- 7) ☒ Claim(s) 19,20,24 and 29-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02202004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. **Claim 19** is objected to because of the following informalities: The use of the word "claim" between the words "as" and "in" on line 1. Appropriate correction is required.

Claim 20 is objected to because of the following informalities: The use of the word "on" in line 2 and the use of the word "fir" in lines 4. Appropriate correction is required.

Claim 24 is objected to because of the following informalities: The use of the word "pars" in line 3. Appropriate correction is required.

Claim 28 objected to because of the following informalities: The use of the word "in" on line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 22** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22 recites the limitation "corresponding said production" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al [U.S. Patent No. 6,338,213 A1].

Regarding **claims 18**, Young et al disclose a warning sign comprising first and second parts pivotable between a first storage position in which the first and second parts are arranged in side-by-side relationship and a second operative position in which the first and second parts are at an angle to one another, detent means for releasably retaining the first and second parts in the second operative position, and a third part releasably supportable by the detent means (Figure 4 and column 1, lines 56-64).

As for **claim 19**, Young et al disclose a warning sign wherein the two parts have ground contacting foot portions at their in use lower ends, so that, with the foot portions of one part spaced apart from the foot portions of the other part, the sign will be self-supporting on the ground (Figure 1, column 1, lines 64-67).

As for **claims 20 and 21**, disclosed is a warning sign wherein detent means comprises at least one projection and at least one corresponding aperture or recess, the projection being arranged to fit in the aperture or recess as a snap or friction fit when the first and second parts are in the second operative position (Figure 3 and column 2,

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lines 3-11). Figure 3 shows that the first and second parts each have one projection, which cooperates with one corresponding aperture or recess, formed in the other part.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al.

Regarding **claims 22, 23, and 27**, Young et al disclose a warning sign wherein the third part includes a support portion having one or more openings dimensioned to receive a projection there through (column 2, lines 20-27). While Young et al do not specifically disclose that the third part includes a portion for receiving the corresponding projection there through, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that the corresponding projections and apertures could have been used to support the third part. Young et al show that recesses are formed in the third part for receiving a projection from first and second parts when in operation, the projections fit within the recesses to secure the third part with the first and second parts. One of ordinary skill in the art would have recognized that several known methods could have been used to secure the three parts. The use of the corresponding projection can be viewed as a matter of design choice. Likewise, it

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would have been obvious that the openings could have been through-holes, snaps, keyholes, or any other known appropriate means for securing parts together. These options are also viewed as a matter of design as each were well known in the art at the time of the invention by applicant

As for **claim 24**, the projections can only be inserted into corresponding openings of the third part when the first and second parts are in the first storage position (column 2, lines 11-20).

As for **claim 25**, Young et al disclose that the projections can only be removed when the first and second parts are moved out of the second operative position. This reasonably appears to meet the limitation of detent means being released (column 2, lines 27-32).

As for **claim 26**, each opening in the third part is a recess formed in an edge of the third part (Figure 4).

Regarding **claim 28**, the third part is engageable with the projections when the first and second parts are in the first storage position and disengageable with the projections when the first and second parts are in the second operative position.

Allowable Subject Matter

8. **Claims 29-33** are objected to as being dependent upon a rejected base claim, but it appears that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Though not used in an art rejection, Sanchoff, Hammon, and Ahlberg all disclose signs and/or displays that were useful during the examination of this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount
Examiner
Art Unit 2636


JEFFERY HOFSSASS
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